

Exhibit 1

Saudi Arabian Red Crescent Society's
Motion to Dismiss the Third Amended Complaint

03 MDL No. 1570 (RCC) / C.A. No. 03-CV-9849 (RCC)

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

03 MDL No. 1570 (RCC)

THOMAS E. BURNETT, SR., *et al.*,

Plaintiffs,

v.

C.A. No. 03 CV 9849 (RCC)

AL BARAKA INVESTMENT AND DEVELOPMENT
CORPORATION, *et al.*,

Defendants.

DECLARATION OF ABDUL RAHMAN AL SWAILEM

I, Dr. Abdul Rahman Al Swailem, being duly sworn, declare and state as follows:

1. I am over 18 years of age and competent to testify to the matters set forth below of my own personal knowledge.
2. I have been informed by my attorney that the Saudi Arabian Red Crescent Society ("Saudi Red Crescent") is a defendant (D211) in the above-captioned action. I am submitting this declaration in support of the Saudi Red Crescent's Motion to Dismiss for (1) sovereign immunity, (2) lack of personal jurisdiction, and (3) improper service of process. I am a physician and the President of the Saudi Red Crescent holding an Excellency^{diplomatic}/position.
3. The Saudi Red Crescent was established by Royal Declaration on July 31, 1966. It is member No. 91 of the International Federation of Red Cross and Red Crescent Societies, the international consortium of national humanitarian ~~medical~~ societies headquartered in Geneva, Switzerland.

4. The government of the Kingdom of Saudi Arabia sponsors and supervises the Saudi Red Crescent, and appoints its directors. The Saudi Red Crescent's functions include supporting humanitarian operations in other countries, and providing emergency medical services and related programs within Saudi Arabia. The Saudi Red Crescent's operations within Saudi Arabia are funded by the Saudi government for the purpose of operating the nationwide ambulance center network, operating the health clinics for pilgrims during the *Hajj* pilgrimage season, teaching first aid and road safety courses, providing road accident emergency services, and developing disaster preparedness plans. See International Federation of Red Cross and Red Crescent Societies, "Partnerships in Profile 2002-2003: Saudi Arabian Red Crescent Society," <http://www.ifrc.org/cgi/pdf_profile.pl?saprofile.pdf>; "Directory: Saudi Arabian Red Crescent Society," <<http://www.ifrc.org/address/sa.asp>> (attached hereto as Exhibits 1-2). Thus, the Saudi Red Crescent performs essential core governmental functions and is a Saudi Government instrumentality. Neither it nor its officers support terrorism or the loss of innocent life.

5. The Saudi Red Crescent owns no real property in the United States. The Saudi Red Crescent has no bank accounts, or real or personal investments in the United States. The Saudi Red Crescent does not conduct business in the United States. Officials of the Saudi Red Crescent have traveled to the United States for training and educational purposes. The Saudi Red Crescent is a member of the American-Saudi Joint Committee, which helps with the Saudi Red Crescent's projects. However, the Saudi Red Crescent does not do fundraising in the United States.

6. To the best of my knowledge, no official of the Saudi Red Crescent subscribes to or reads either the *International Herald Tribune* or the *Al Quds al Arabi*.

7. The Saudi Red Crescent has never supported the loss of innocent life and believes that there is no justification for the tragic attacks of September 11, 2001. The Saudi Red Crescent has never supported any person or organization that it knew to participate in terrorist activities.

8. The Third Amended Complaint in this case has no allegations about the Saudi Red Crescent, other than in two paragraphs. In Paragraph 95, it is stated that the Saudi Red Crescent received "direct donations . . . through NCB [National Commercial Bank] facilities." However, this paragraph makes no allegations that the Saudi Red Crescent supported terrorism.

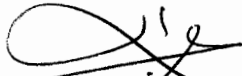
9. In Paragraph 172 of the Third Amended Complaint, it is stated that the Saudi Red Crescent was one of several entities "that formed the Saudi Joint Relief Committee (or 'SJRC')," that the SJRC "has been connected to Osama bin Laden and two of his top operatives, Wa'el Hamza Jalaidin and Adel Muhammad Sadiq bin Kazem," and that Mr. Jalaidin has been designated by the U.S. government as a terrorist. The Saudi Red Crescent hired Mr. Jalaidin to do public relations work, from about November 1986 to about October 1989, but the Saudi Red Crescent denies that it had any knowledge that Mr. Jalaidin, during that time period, or any time period, engaged in terrorist activities or knowingly supported terrorism. In fact, I understand that the United States government did not designate Mr. Jalaidin as a terrorist until September 2002.

10. The Saudi Red Crescent also denies that it had any knowledge of the activities of Osama bin Laden, al Qaeda, or Adel Muhammad Sadiq bin Kazem, other than what is generally known through the press. At no time did the Saudi Red Crescent ever participate in, or support in any way, terrorist activities.

11. The Saudi Red Crescent also denies that it has knowledge of any terrorist activities as alleged in Paragraphs 17 and 21-24 of Plaintiffs' More Definite Statement as to

Defendant Yousef Abdul Latif Jameel (Mar. 16, 2004). The Saudi Red Crescent denies any knowledge that the Saudi Joint Relief Committee, during the 1990's, or any time period, engaged in terrorist activities or knowingly supported terrorism.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



Dr. Abdul Rahman Al Swailem
In his official capacity as the President of the
Saudi Red Crescent Society

Executed on the 2 day of April, 2004.

Attachment 1 to SRCS Declaration

Saudi Arabian Red Crescent Society's
Motion to Dismiss the Third Amended Complaint

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Saudi Arabian Red Crescent Society

Founded: 1933
 Members/volunteers: 1,000
 Staff: 3,000
 Expenditure: CHF 10.1 million (2002)

1. National context

Capital: Riyadh
 Population: 21.7 million (2000)
 GNP per capita: US\$ 6,910 (1998)
 Life expectancy: 71.9 years (1998)
 Infant mortality rate: 22 per 1,000 live births (1998)
 Adult literacy rate: 75.2 per cent (1998)

2. Foundation

Legal base

The Saudi Arabian Red Crescent Society (SARCS) was established as a charitable organization in 1933. Following an increase in its humanitarian activities, the society was recognized by the Red Cross and Red Crescent Movement in 1963.

Constituency

The society has 14 branches across the country. It runs the kingdom's main ambulance centre network (176 centres throughout the country), which is financed by the Saudi government.

3. Capacity

Human resources

The society has 3,000 salaried staff members and 1,000 registered volunteers. Its staff members include 410 trained emergency medical technicians, who work for the SARCS ambulance service, and 140 first-aid instructors, who are based at 14 regional training centres.

Financial resources

The society's budget for 2002 is CHF 10 million. This figure includes funds provided by the Saudi government to cover emergency medical services throughout the country.

Partnerships

The SARCS has contributed to international humanitarian operations in countries as diverse as Afghanistan, Chechnya, Kosovo, Kenya, Pakistan and Palestine, and among others. Contributions to aid in food, medicine, clothes and shelter amount to a cash value of over CHF 2 billion. Many private donors in Saudi Arabia give funds for international relief missions.

4. Performance

Activities

Emergency medical services

The society's resources have been directed primarily towards emergency medical services rather than general medical care. Emergency medical technician (basic) training courses run at three regional training centers.

Disaster preparedness

The SARCS has developed effective disaster preparedness plans, and gained valuable experience from assistance provided during the annual *Haj* pilgrimage season. Multidisciplinary disaster preparedness courses are conducted in cooperation with the University of Wisconsin (US).

First aid

General first-aid courses are conducted. Over the past two years, 29,000 people have been trained, including some 4,500 women.

Health

Seventy health clinics operate during the *Haj* pilgrimage season.

Road safety

The SARCS has road accident emergency services every 50 to 70 kilometres.

Community activities

The society offers first-aid training to the general public and runs first-aid, road safety and seat-belt campaigns. It has first-aid programmes for women and aims to train at least one first-aid provider per household. ■

Attachment 2 to SRCS Declaration

Saudi Arabian Red Crescent Society's
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 International Federation
of Red Cross and Red Crescent Societies

Directory

Introduction

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The Red Cross and Red
Crescent Movement on the
Internet

Saudi Arabian Red Crescent Society

Address

General Headquarters
11129 Riyadh

Contact
Information

Tel: (966) (1) 4740027
Fax: (966) (1) 4740430
Telex: 400096 HILAL SJ
E-Mail: redcrescent@zajil.net

Language of
correspondence

Arabic

People

President: Dr Abdul Rahman ben ABDEL
AZIZ AL SOYEILEM
Vice-President: Dr. Saleh AL-TOUAYJERI
Director General of Relief: Mr Abdulla M.
AL-HAZZAA
Director, International Relations: Mr
Fayeg AL-HARFI

Last Updated

26.11.1999